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## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **Proposed Rule**

LSA Document #99-177

### **DIGEST**

Repeals 326 IAC 11-5 concerning fluoride emissions for existing aluminum plants. IDEM requests repeal of 326 IAC 11-5 because it has been superseded by 326 IAC 20-24. Effective 30 days after filing with the secretary of state.

#### **HISTORY**

First Notice of Comment Period: September 1, 1999 Indiana Register (22 IR 3997).

Second Notice of Comment Period and Notice of First Hearing: November 1, 2001 Indiana Register (25 IR 555).

Date of First Hearing: February 6, 2002.

#### **PUBLIC COMMENTS UNDER IC 13-14-9-4.5**

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least twenty-one (21) days long.

Because this proposed rule is not substantively different from the draft rule published on November 1, 2001 at 25 IR 555, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

IDEM requested public comment from November 1, 2001, through December 3, 2001, on IDEM's draft rule language. No comments were received during the second comment period.

#### **SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On February 6, 2002, the air pollution control board (board) conducted the first public hearing/board meeting concerning the repeal of rule 326 IAC 11-5. No comments were made at the first hearing.

### **326 IAC 11-5**

SECTION 1. 326 IAC 11-5 IS REPEALED.

#### ***Notice of Public Hearing***

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on June 5, 2002 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed repeal of 326 IAC 11-5.*

*The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed repeal. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).*

*Additional information regarding this action may be obtained from Gayla Killough, Rule Development section, (317) 233-8628 or (800) 451-6027, press 0, and ask for 3-8628 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register.*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator*

*Indiana Department of Environmental Management*

*100 North Senate Avenue*

*P.O. Box 6015*

*Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855. TDD: (317) 232-6565. Speech and hearing impaired callers may also contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Janet G. McCabe  
Assistant Commissioner  
Office of Air Quality